

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

---

ALVIN BALDUS, CARLENE BECHEN,  
ELVIRA BUMPUS, RONALD BIENDSEI,  
LESLIE W. DAVIS, III, BRETT ECKSTEIN,  
GEORGIA ROGERS, RICHARD  
KRESBACH, ROCHELLE MOORE, AMY  
RISSEEUW, JUDY ROBSON, JEANNE  
DANCHEZ-BELL, CECELIA SCHLIEPP,  
TRAVIS THYSSEN and CINDY BARBERA,

Case No. 11-C-562  
JPS-DPW-RMD

Plaintiffs,

TAMMY BALDWIN, GWENDOLYNNE  
MOORE, and RONALD KIND,

Intervenor-Plaintiffs,

v.

Members of the Wisconsin Government  
Accountability Board, each only in his official  
capacity: MICHAEL BRENNAN,  
DAVID DEININGER, GERALD NICHOL,  
THOMAS CANE, THOMAS BARLAND,  
TIMOTHY VOCKE, and KEVIN KENNEDY,  
Director and General Counsel for the Wisconsin  
Government Accountability Board,

Defendants,

F. JAMES SENSENBRENNER, JR.,  
THOMAS E. PETRI, PAUL D. RYAN, JR.,  
REID J. RIBBLE, and SEAN P. DUFFY,

Intervenor-Defendants

---

VOCES DE LA FRONTERA, INC., RAMIRO  
VARA, OLGA VARA, JOSE PEREZ, and  
ERICA RAMIREZ,

Plaintiffs,

v.

Members of the Wisconsin Government  
Accountability Board, each only in his official  
capacity: MICHAEL BRENNAN, DAVID  
DEININGER, GERALD NICHOL, THOMAS  
CANE, THOMAS BARLAND, TIMOTHY  
VOCKE, and KEVIN KENNEDY, Director and  
General Counsel for the Wisconsin Government  
Accountability Board,

Case No. 11-CV-1011  
JPS-DPW-RMD

Defendants.

---

DECLARATION OF DANIEL KELLY IN SUPPORT OF  
DEFENDANTS' MOTION IN LIMINE

---

1. I am an attorney with Reinhart Boerner Van Deuren s.c., and one of the attorneys representing Defendants, Michael Brennan, David Deininger, Gerald Nichol, Thomas Cane, Thomas Barland and Kevin Kennedy; I make this declaration in support of Defendants' Motion in Limine.

2. Attached as Exhibit A is a true copy of an email exchange from February 13 and 14, 2012, that included counsel of record in this matter, including defense counsel (Patrick Hodan and myself) and the Baldus plaintiffs' counsel (Douglas Poland), related to trial testimony on census issues.

3. On the evening of February 13, 2012, my partner Patrick Hodan sent an email to all plaintiffs' counsel to confirm that no party was intending to challenge the census data or otherwise offer or elicit testimony or evidence regarding the census "anomalies" issue at trial. (Ex. A, at 5.)

4. The next morning, Mr. Poland responded to Mr. Hodan's email, stating in relevant part: "We do not intend to challenge the accuracy of the census data itself. . . .

[A]lthough we do not intend to argue that the 'anomalies' issue caused legislative or congressional districts to become unconstitutionally unbalanced or caused voters to move districts, I do intend to elicit testimony that the 'anomalies' or 'discrepancies' were the result of a rushed process, and that it has caused confusion and uncertainty for municipal clerks and voters." (Ex. A., at 4.)

5. When asked to further explain the relevance of this evidence, Mr. Poland responded that "the topic is relevant to remedies should the Court remand the maps to the legislature." (Ex. A., at 1.)

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 15th day of February, 2012.

s/ Daniel Kelly  
Daniel Kelly

8342811